



Charles M. Walker

U.S. Bankruptcy Judge

Dated: 9/5/2023



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:)	
)	
CUMMINGS MANOOKIAN, PLLC,)	Case No. 3:19-bk-07235
Debtor.)	Chapter 7
)	Judge Walker
BRIAN CUMMINGS,)	
Plaintiff,)	
)	
v.)	Adv. Proc. No. 3:23-ap-90036
)	
BRETTON KEEFER; JEANNE)	
BURTON, TRUSTEE; and AFSOON)	Hearing Date: August 30, 2023
HAGH,)	at 11:00 a.m.
Defendants.)	

**ORDER DENYING MOTION TO DISMISS OR, IN THE ALTERNATIVE,
TO STAY PENDING MEDIATION AND ARBITRATION FILED ON BEHALF OF
DEFENDANTS BRETTON KEEFER AND AFSOON HAGH**

This matter came before the Court on August 30, 2023 for an evidentiary hearing on the Motion to Dismiss or, in the Alternative, to Stay Pending Mediation and Arbitration Filed on Behalf of Defendants Bretton Keefer and Afsoon Hagh (Doc. 9) (the “Motion to Dismiss”). Plaintiff Brian Cummings filed his Response in Opposition to Motion to Dismiss (Doc. 12) (the “Response”) on August 2, 2023. Appearing at the hearing on the Motion to Dismiss were John Spragens on behalf of Defendants Bretton Keefer and Afsoon Hagh; Elizabeth S. Tipping on behalf of Plaintiff Brian Cummings; and Phillip G. Young, Jr. on behalf of Trustee Jeanne Ann Burton. No witnesses or evidence were offered by any party during the hearing.

The Court heard argument from Defendants Keefer and Hagh, Plaintiff, and the Trustee. Based upon the Motion to Dismiss, the Response, the arguments of all counsel at the August 30, 2023 hearing, and based on the entire record herein;

IT IS HEREBY FOUND:

- A. Pursuant to Federal Bankruptcy Rule 7052, the Court hereby incorporates and adopts all findings and conclusions stated orally at the hearing on August 30, 2023.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Motion to Dismiss (Doc. 9) is **DENIED**.
2. The Court will schedule a status conference in this matter in January 2024.

***THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS
INDICATED AT THE TOP OF THE FIRST PAGE***

Submitted for entry:

/s/ Elizabeth S. Tipping
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